



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

November 8, 1996

Mr. Robin Collins  
Lewis & Collins  
1220 Montana Avenue  
El Paso, Texas 79902

OR96-2070

Dear Mr. Collins:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 101641.

The Ysleta Independent School District (the "YISD") received a request for documents from the Texas Healthcare Foundation in its review of all YISD employees' billing (hospital, inpatient, physician's and other providers, etc.) incurred within a 30-day period in accordance with an "Occupational Injury Test Bill Review." You have submitted a representative sample of the documents with redactions for our review and contend the requested information is excepted from required public disclosure under sections 552.101, 552.102, and section 552.117 of the Government Code.

Section 552.101 of the Government Code excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." We observe that records of the identity, diagnosis, evaluation, or treatment of a patient by a physician that are created or maintained by a physician are confidential and privileged and may not be disclosed except as provided by the Medical Practice Act ("MPA").<sup>1</sup> See V.T.C.S. art. 4495b § 5.08(b). The documents submitted to this office were created and signed by a physician and concern the identity, diagnosis, evaluation and subsequent treatment of patients. Accordingly these documents through the application of 552.101 are not subject to disclosure except as provided for in the MPA.

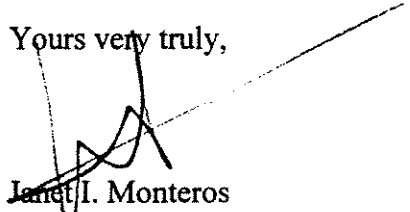
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<sup>1</sup>Since we address the confidentiality under 552.101, we need not address 552.102 and 552.117 at this juncture.

You state that the requestor "represents Texas Healthcare Foundation, a company which performs healthcare cost audits . . . [he] wishes to review medical billing statements in the possession of the School District which the District has processed for employees who are receiving medical treatment for workers compensation injuries." The information may be shared with a person for the authorized purpose of conducting management audits, financial audits, program evaluations or research. V.T.C.S. art. 4495b § 5.08(h)(3). However, that person "may not identify, directly or indirectly, a patient in any report of the research, audit, or evaluation or otherwise disclose identity in any manner." *Id.*

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination under section 552.301 regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Janet I. Monteros  
Assistant Attorney General  
Open Records Division

JIM/rho

Ref.: ID# 101641

Enclosures: Submitted documents

cc: Mr. Gilbert Carrasco  
3210 Suffolk Street  
El Paso, Texas 79925  
w/o enclosures